



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Kyle Flanders
Senior Policy Analyst
Department of Housing and Community Development

From: Justin I. Bell
Assistant Attorney General

Date: January 11, 2023

Subject: Letter of Assurance for Update the Uniform Statewide Building Code 13 VAC 5-63

I have reviewed the Virginia Board of Housing and Community Development's (the Board) proposed regulatory action to update the Uniform Statewide Building Code at 13 VAC 5-63. The Board has the legal authority to update the Uniform Statewide Building Code as by §§ 36-98 and 36-99 of the *Code of Virginia*. Section 36-99 of the *Code of Virginia* requires that the Board shall have due regard for the generally accepted standards for building standards and this update will bring the Uniform Statewide Building Code up to the standard set out in § 36-99. In my view, as counsel to the Board, the Board may take this regulatory action.

Further, this update to the Uniform Statewide Building Code is exempt from the requirements of Article 2 of Chapter 40 of Title 2.2 of the *Code of Virginia* pursuant to § 2.2-4006(A)(12) of the *Code of Virginia*. The

regulatory action does not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of this regulatory action.